



## DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

November 23, 2010

Joe Barkett, Chief Executive Officer  
1-A District Agricultural Association  
P.O. Box 34206  
San Francisco, CA 94134

**Subject: Notification of Determination of Noncompliance with Public Resources Code (PRC) Section 42921**

This letter serves as notice of the California Department of Resources, Recycling and Recovery (CalRecycle)'s November 18, 2010 determination regarding Consideration of Action for Noncompliance with achievement of the 50 percent waste diversion mandate, Public Resources Code (PRC) Section 42921 (b), by the 1-A District Agricultural Association (Cow Palace).

CalRecycle staff has reviewed the Integrated Waste Management Plan Annual Reports submitted by the Cow Palace for 2008 and 2009. Based on the submitted annual reports, follow-up discussion with your appointed recycling coordinator, and CalRecycle staff's site visits, CalRecycle cannot corroborate the Cow Palace's achievement of the 50 percent waste diversion mandate (PRC Section 42921 (b)) (Attachment 1 and 2). Based on the staff findings the Deputy Director of the Compliance & Enforcement Division has validated the finding of noncompliance (Attachment 3).

As a result of the finding of noncompliance the Cow Palace must prepare and submit a Plan of Correction. The Plan of Correction must outline what the Cow Palace will do to correct the waste diversion deficiencies. The Plan of Correction must be received by December 31, 2010. CalRecycle Local Assistance and Market Development staff can assist the Cow Palace in developing the Plan of Correction. The plan shall be delivered to:

CalRecycle  
Jurisdiction & Product Compliance Unit  
1001 I Street  
P.O. Box 4025  
Sacramento, California 95812

CalRecycle has been directed to notify the Governor's Office, the Speaker of the Assembly, and the President Pro Tempore of the Senate of any State agencies or large State facilities that do not comply with PRC Section 42921 (b). Attached for your information are copies of the letters forwarded to these interested parties (Attachment 4,5,6)

If you have any questions regarding this letter, please contact Trevor O'Shaughnessy of my staff at (916) 341-6203.

Sincerely,

A handwritten signature in blue ink that reads "Lorraine Van Kekerix".

Lorraine Van Kekerix  
Branch Manager





**Staff Report and Analysis of the  
1st District Agricultural Association's (Cow Palace)  
State Agency Integrated Waste Management Plan  
(AB 75) Compliance**

November 5, 2010

The Cow Palace is officially the 1-A District Agricultural Association, a State facility in the California Department of Food and Agriculture's Division of Fairs and Expositions. The facility has extensive stable and barn facilities for animal events. The largest and longest running event hosted by the Cow Palace is the annual Grand National Rodeo.

The 2008 annual report states the Cow Palace disposed 37.5 pounds/person/day. Local Assistance and Market Development (LAMD) Branch staff's review and analysis of the 2008 annual report and subsequent site visit in December 2009 raised questions regarding the effectiveness of the programs that were in place. LAMD's questions lead to the referral of the Cow Palace to the Jurisdiction & Product Compliance (JPC) Unit for consideration of noncompliance. The LAMD referral prompted a site visit by JPC to review the Cow Palace's waste diversion efforts. Two site visits were conducted by JPC. The first was conducted in September 2010, to observe a smaller event, the second in October 2010, to observe the largest event held at the Cow Palace, the Grand National Rodeo. This report focuses on the October 2010 visit since this event has such a significant impact on the Cow Palace's overall recycling efforts.

In October, JPC met with Leann Mazza, the Cow Palace's former recycling coordinator. Ms. Mazza who had supervised the Cow Palace recycling activities since 2003 was recently reassigned to an administrative position, due to layoffs and other Cow Palace cutbacks. The recycling coordinator position had not been filled as of the preparation date of this report.

During the discussion with Ms. Mazza and four of the Cow Palace janitorial staff the following was confirmed:

- There is no recycling provision in the contract with the food service providers.
- There are no recycling programs in the kitchen or food stands.
- An estimated 80 percent of the red trash containers are accompanied by a blue recycling container.
- There is no signage on any of the trash and/or recycling containers describing the acceptable materials to be deposited.
- There is cross-contamination in the trash and recycling collection containers.
- During events, Cow Palace staff does not collect recycling on a daily basis; however the fair staff does collect trash several times throughout the day as needed.
- There is basic cardboard collection.

JPC has prepared this independent staff report and analysis of the Cow Palace's program implementation efforts. This report includes reviews of data submitted from the Cow Palace and



field visits to the facility. While conducting the site visit JPC evaluated the program activities reported within the 2008 and 2009 annual reports. The following is a complete summary of the observations for each of the major waste diversion categories identified within the annual reports.

### Source Reduction

Source Reduction was reported to have been implemented in the 2008 and 2009 report. JPC did not evaluate this program during the site visit due to the limited time available.

### Recycling

A variety of recycling activities were reported to have been implemented by the Cow Palace in both 2008 and 2009 including: beverage containers, cardboard, newspaper, white office paper, mixed office paper, plastics and glass. All activities specifically in the office are in place, but Cow Palace staff reports they do not track the amount recovered, and all materials are collected and recycled by their waste hauler.

In general the program implementation observed throughout the entire facility was not very vigorous. While an estimated 80% of trash containers in and around the facility have an accompanying blue recycling collection container, a fully implemented beverage container collection program is not in place. One significant limiting factor was that recycling containers were not labeled. Cow Palace staff stated that signage above and on containers was in place years ago, but has disappeared over time.

Cow Palace staff reports that clean recyclables recovered from the blue recycling containers, primarily plastic bottles and cans were once stored in the "sales" building where they were sorted and kept until there was enough volume to merit a trip to the recycling center. Cow Palace staff also reports so few recyclables were collected, the recyclables often sat for months at a time, drawing vermin and gnats. During JPC's visit, Cow Palace staff was asked on several occasions to see the storage facility. Upon conclusion of the visit no storage facility was identified. JPC recorded only one (1) 55-gallon drum of plastic bottles and cans in the maintenance lot. Staff estimates that only four (4) more 55-gallon drums of recyclables could be recovered from the recycling containers placed throughout the facility. Staff observed larger quantities of recyclable materials in several trash dumpsters located at various locations throughout the facility.

In an earlier annual report, the Cow Palace specifically noted an enhanced cardboard recycling program, noting the facility had procured a cardboard compactor. Throughout the visit, Cow Palace staff understood the value of cardboard and the impact on the facility's diversion goals; however JPC could not verify an enhanced cardboard recycling program. Upon JPC's arrival, staff observed a centralized collection area in the maintenance yard. The area contained far less cardboard than one would expect from a large event at a large venue.

### Composting

The 2008 and 2009 annual reports both indicate the Cow Palace has a commercial pick-up of compostables. JPC observed at least two long piles of shavings and manure piled alongside the horse barn. The material was placed directly onto the pavement and not into a designated collection bin. JPC inquired what was to happen to the long piles of collected material. Cow Palace staff reported the facility has a contract with a hauler to remove the shavings; however they were unable to provide additional information regarding the contract and final disposition of the material.

The Cow Palace recognizes there is a great deal of food waste still being landfilled, and since there is no recycling in the kitchen, there is heavy food contamination in all kitchen trash. The kitchen trash contains paper, plastic, metal, food scraps, styrofoam and cardboard. As reflected in the annual report, the Cow Palace has indicated that a food waste diversion program would be beneficial, however to date it has not developed a program.

### Special Waste

The 2008 and 2009 annual reports indicate the Cow Palace is collecting and recycling tires, wood waste, and scrap metal. JPC observed less than five tires in the maintenance yard. Scrap metal recycling was not observed during the visit. With regards to wood waste, the facility's waste hauler provides roll-off containers for this material. The roll-off observed during the site visit had wood waste along with other materials including significant contamination.

The Cow Palace staff stated that they maintain contracts for used oil, tires and horse bedding collection and recycling, however copies of the contracts were not available.

In 2009 the Cow Palace reported implementing a rendering program; however program implementation was not verified during the site visit.

### Facility Recovery

The 2008 annual report indicated the Cow Palace used other facilities to recover recyclable materials. Within the 2009 annual report this was not selected. During JPC's visit the Cow Palace did not provide any information regarding outside services processing recyclable materials.

### Other Activities

The Cow Palace has reported becoming a certified collector of e-waste. JPC did not verify or evaluate this activity since it did not occur during the October site visit.

Based on the discussions with the Cow Palace staff, it appears that there is minimal recycling implemented. Bottle and can recovery and cardboard collection were significant program areas that need enhancement. The green waste and shavings and manure recycling programs were



very questionable regarding the final disposition of the materials. Over-all contamination is high within many areas, and there is no visible public education program. In addition to the 2008 and 2009 annual reports, JPC staff also reviewed the annual reports dating back to 2000. JPC staff observed a long history of queries by previous CalRecycle staff, asking the Cow Palace to justify programs and provide additional information on inconsistencies in documentation.

Based on JPC's analysis of the available information in the 2008 and 2009 annual reports, and an evaluation of the Cow Palace's existing programs, JPC has determined that the Cow Palace is not implementing effective recycling program. The ineffective recycling programs are having a direct impact on the Cow Palace's ability to divert at least 50 percent of all solid waste from landfill disposal.

Attached is a photo report from JPC's October 22-23, 2010 site visit. The photo report supports the observations and findings discussed above.

This analysis was conducted by Frank Simpson. If you have any questions regarding the analysis or staff's recommendations, please contact either Frank Simpson at (916) 341-6297 or Trevor O'Shaughnessy at (916) 341-6203.

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**Photo Report**  
**1-A District Agricultural Association — Cow Palace**  
**10/21/10**

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**A) Collection of Garbage**

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Staff found high valued recyclables in nearly all garbage containers throughout the facility. The two photos depict the typical make-up of the contamination observed.





## A) Collection of Garbage (cont'd)

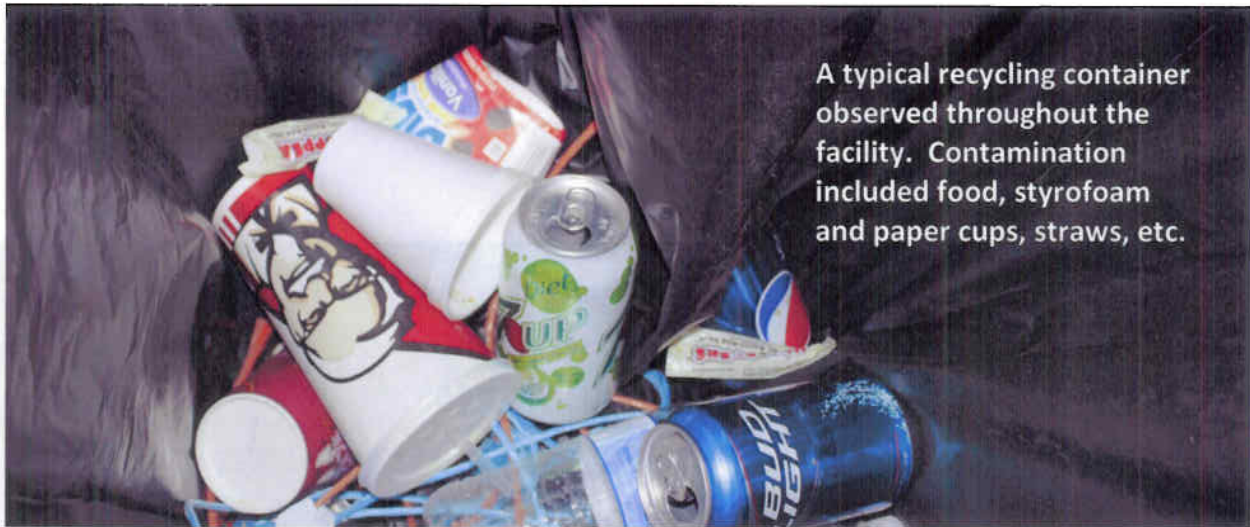
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Staff observed garbage dumpsters that were contaminated with multiple high-value recyclable materials, including cardboard boxes, bottles and cans.





## B) Collection of Recyclables



A typical recycling container observed throughout the facility. Contamination included food, styrofoam and paper cups, straws, etc.



JCA observed the centralized cardboard collection area. This represented all of the cardboard collected through the 3rd day of the Grand National Rodeo.



JCA observed this container where all of the collected recycled CRV containers were being consolidated. This represented all of the containers collected through the 3rd day of the Grand National Rodeo.



## C) Greenwaste Collection

JCA observed a larger centralized greenwaste collection (roll-off) bin. The roll-off was contaminated with twine, Construction and Demolition (C&D) and feed bags.





## D) Compostable (shavings and manure) Collection

Shavings and manure piles were observed neatly placed directly onto the pavement and not into a designated collection bin. The handling of this material in this fashion subjected it to the rain the following day with run-off flowing into an unknown area.








## REQUEST FOR ACTION

**To:** Ted Rauh, Deputy Director  
Compliance & Enforcement Division

**From:**   
Lorraine Van Kekerix, Branch Manager  
Waste Evaluation & Enforcement Branch

**Request Date:** November 8, 2010

**Decision Subject:** Consideration of Governor and Legislature Notification of 1-A District  
Agricultural Association (Cow Palace) Notice of Non-Compliance

**Action By:** November 10, 2010

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### **Summary of Request:**

This is a request that the Deputy Director take action on a proposed Notification of the Governor and the Legislature of the noncompliance status of the 1-A District Agricultural Association (Cow Palace). Staff's findings and recommendations are provided relative to the proposed action.

State agencies and large State facilities are required to comply with the mandates of Public Resources Code (PRC) 42921 (b) and 42926. PRC Section 42921 (b) mandates that each reporting State agency and large State facility on and after January 1, 2004, divert at least 50 percent of all solid waste from landfill disposal and 42926 mandates the submittal of an annual report summarizing the progress made to reduce the solid waste being disposed. Staff has identified one (1) of the 396 reporting State agencies and large State facilities as being noncompliant with PRC Section 42921(b) in 2008.

On October 21-23, 2010, the Jurisdiction & Product Compliance (JPC) unit conducted an evaluation of the Cow Palace's recycling programs as listed in the State Agency's 2008 and 2009 annual reports. JPC has determined that the Cow Palace is not implementing effective recycling programs to divert at least 50 percent of all solid waste from landfill disposal.

### **Recommendation:**

Based on staff's analysis of the available information in the 2008 and 2009 annual reports, and a field evaluation of the Cow Palace's existing programs, JPC has determined that the Cow Palace is not implementing effective recycling programs to divert at least 50 percent of all solid waste from landfill disposal and is noncompliant with PRC Section 42921 (b).

## **Deputy Director Action:**

On the basis of the information, analysis and findings in the staff report attached to this Request for Action and staff recommendation, I hereby direct the Jurisdiction & Product Compliance Unit to:

1. Place the 1-A District Agricultural Association (Cow Palace) on the noncompliance section of CalRecycle's website.
2. Request the 1-A District Agricultural Association's (Cow Palace) to submit a Corrective Action Plan outlining how they plan to meet the 50 percent diversion mandate. CalRecycle will use the Corrective Action Plan as a means to identify assistance that could be provided to help the 1-A District Agricultural Association's (Cow Palace) achieve the 50 percent diversion mandate.
3. Develop a letter, signed by the Department Director, reporting the noncompliance with PRC Section 42921 (b) to the Legislature and the Governor noting that the 50 percent diversion mandate was not met.

**Dated:**

NOV 17, 2010  


Ted Rauh, Deputy Director  
Compliance & Enforcement Division  
Department of Resources Recycling and Recovery

**Attachments:** Staff Report



**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

November 19, 2010

The Honorable Arnold Schwarzenegger  
Governor of California  
State Capitol, First Floor  
Sacramento, California 95814

**Subject: NOTIFICATION OF LARGE STATE FACILITY NOT IN COMPLIANCE WITH  
THE STATE AGENCY INTEGRATED WASTE MANAGEMENT PLAN ACT  
(PUBLIC RESOURCES CODE SECTION 42921 (b), STROM-MARTIN, CHAPTER  
764, STATUTES OF 1999)**

Dear Governor Schwarzenegger,

This letter provides notification of the California Department of Resources Recycling and Recovery's (CalRecycle) action on November 17, 2010, finding that one (1) large State facility, of the 397 reporting State agencies and large State facilities, did not meet the 50 percent waste diversion mandate as required by Public Resources Code (PRC) Section 42921 (b).

The following facility is noncompliant:

1-A District Agricultural Association, San Francisco

CalRecycle staff will begin to work with the 1-A District Agricultural Association on the development of a Plan of Correction which will detail how the 50 percent mandate will be achieved. Once this action is taken, the 1-A District Agricultural Association will need to take several steps on its own to come into compliance with the requirements of the mandate.

If you or your staff has any questions regarding this letter, please call my office at (916) 322-4032, or contact Ted Rauh, Deputy Director Compliance & Enforcement Division at (916) 341-6502.

Sincerely,

A handwritten signature in dark ink that reads "Margo Reid Brown".  
Margo Reid Brown, Director

cc: Senator Leland Yee

Assembly Member Fiona Ma

Joe Barkett, Chief Executive Officer, 1<sup>st</sup> District Agricultural Association

Ted Rauh, Deputy Director Compliance &amp; Enforcement Division, CalRecycle

CalRecycle Facility File







**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

November 19, 2010

The Honorable John A. Perez  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, CA 95814

**Subject: NOTIFICATION OF LARGE STATE FACILITY NOT IN COMPLIANCE WITH  
THE STATE AGENCY INTEGRATED WASTE MANAGEMENT PLAN ACT  
(PUBLIC RESOURCES CODE SECTION 42921 (b), STROM-MARTIN, CHAPTER  
764, STATUTES OF 1999)**

Dear Speaker Perez,

This letter provides notification of the California Department of Resources Recycling and Recovery's (CalRecycle) action on November 17, 2010, finding that one (1) large State facility, of the 397 reporting State agencies and large State facilities, did not meet the 50 percent waste diversion mandate as required by Public Resources Code (PRC) Section 42921 (b).

The following facility is noncompliant:

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If you or your staff has any questions regarding this letter, please call my office at (916) 322-4032, or contact Ted Rauh, Deputy Director Compliance & Enforcement Division at (916) 341-6502.

Sincerely,

A handwritten signature in dark ink that reads "Margo Reid Brown".

Margo Reid Brown, Director

cc: Senator Leland Yee  
Assembly Member Fiona Ma  
Joe Barkett, Chief Executive Officer, 1<sup>st</sup> District Agricultural Association  
Ted Rauh, Deputy Director Compliance & Enforcement Division, CalRecycle  
CalRecycle Facility File





**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

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November 19, 2010

The Honorable Darrell Steinberg  
President Pro Tempore of the Senate  
State Capitol, Room 205  
Sacramento, CA 95814

**Subject: NOTIFICATION OF LARGE STATE FACILITY NOT IN COMPLIANCE WITH  
THE STATE AGENCY INTEGRATED WASTE MANAGEMENT PLAN ACT  
(PUBLIC RESOURCES CODE SECTION 42921 (b), STROM-MARTIN, CHAPTER  
764, STATUTES OF 1999)**

Dear President Pro Tempore Steinberg,

This letter provides notification of the California Department of Resources Recycling and Recovery's (CalRecycle) action on November 17, 2010, finding that one (1) large State facility, of the 397 reporting State agencies and large State facilities, did not meet the 50 percent waste diversion mandate as required by Public Resources Code (PRC) Section 42921 (b).

The following facility is noncompliant:

1-A District Agricultural Association, San Francisco

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If you or your staff has any questions regarding this letter, please call my office at (916) 322-4032, or contact Ted Rauh, Deputy Director Compliance & Enforcement Division at (916) 341-6502.

Sincerely,

A handwritten signature in dark ink that reads "Margo Reid Brown". The signature is fluid and cursive, with the first name "Margo" being the most prominent.

Margo Reid Brown, Director

cc: Senator Leland Yee  
Assemblymember Fiona Ma  
Joe Barkett, Chief Executive Officer, 1<sup>st</sup> District Agricultural Association  
Ted Rauh, Deputy Director Compliance & Enforcement Division, CalRecycle  
CalRecycle Facility File





